

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

TEREZ LAMAR LINDSEY,

Plaintiff,

v.

**DPAUL INC., TORRES SECURITY
GROUP, JOHN SECURITY GUARD,
TORRES SECURITY GUARD,**

Defendants.

Case No. 3:23-cv-00425-AR

**ORDER ADOPTING FINDINGS AND
RECOMMENDATION**

Terez Lamar Lindsey, 120 SE Market St. Shelter, Portland, OR 97218. Pro se plaintiff.

IMMERGUT, District Judge.

On June 6, 2023 Magistrate Judge Jeff Armistead issued his Findings and Recommendation F&R, ECF 14, recommending that Plaintiff Terez Lamar Lindsey's Amended Complaint, ECF 12, be dismissed for lack of subject matter jurisdiction. No party filed objections. This Court ADOPTS Judge Armistead's F&R.

STANDARDS

Under the Federal Magistrates Act ("Act"), as amended, the court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge."

28 U.S.C. § 636(b)(1)(C). If a party objects to a magistrate judge's F&R, "the court shall make a

de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* But the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). Nevertheless, the Act “does not preclude further review by the district judge, sua sponte” whether de novo or under another standard. *Thomas*, 474 U.S. at 154.

CONCLUSION

No party having filed objections, this Court has reviewed the F&R, ECF 14, and accepts Judge Armistead’s conclusions. Judge Armistead’s F&R, ECF 14, is adopted in full. This Court DISMISSES Plaintiff’s Amended Complaint, ECF 12, without leave to amend. Plaintiff’s pending Motion for Appointment of Pro Bono Counsel, ECF 3, is DENIED AS MOOT.

IT IS SO ORDERED.

DATED this 25th day of August, 2023.

/s/ Karin J. Immergut
Karin J. Immergut
United States District Judge